

COMMENT LETTER

09/11/2000 10:12

5206805430

LHC PD CTY ATTY

PAGE 01

**MOHAVE COUNTY WATER AUTHORITY
P.O. BOX 2419
BULLHEAD CITY, AZ 86430**

**FAX TRANSMITTAL LETTER
FAX NO. (520) 680-5430**

DATE: September 11, 2000
NO. OF PAGES: 3 (INCLUDING TRANSMITTAL LETTER)

TO: Jayne Harkins
Bureau of Reclamation
FAX NO: (702) 293-8042

FROM: Maureen George
DEPT: OFFICE OF THE CITY ATTORNEY
TELEPHONE: (520) 453-4144

URGENT

SUBJECT: Comments on Draft EIS – Colorado River Interim Surplus Criteria

COMMENTS/INSTRUCTIONS: To follow is a REVISED letter to that of the one faxed to you on Friday, September 8. Please replace page 2 of the September 8 letter with the REVISED page two attached hereto. Thank you for your assistance.

CAUTION PLEASE FORWARD DOCUMENTS TO ADDRESSEE IMMEDIATELY UPON RECEIPT. THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS CONFIDENTIAL AND INTENDED SOLELY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, COPYING OR UNAUTHORIZED USE OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

**MOHAVE COUNTY WATER AUTHORITY
P.O. BOX 2419
BULLHEAD CITY, AZ 86430
(520) 754-2555
(520) 754-4622 (fax)**

September 11, 2000

VIA FACSIMILE AND U.S. MAIL
(702) 293-8042

Regional Director
Lower Colorado Region
Attn: Jayne Harkins (LC-4600)
Bureau of Reclamation
P.O. Box 61470
Boulder City, NV 89006-1470

RE: Comments on the Draft Environmental Impact Statement (EIS) regarding Colorado River Interim Surplus Criteria, Colorado River Basin

Set forth below are the comments of the Mohave County Water Authority on the Draft EIS dated July 7, 2000, in regard to proposed Colorado River interim surplus criteria.

- 1 | 1. The Draft EIS fails to address in any meaningful way the increase in the relative risk of shortage to Arizona users, particularly broken down by category of user. This is a glaring omission of key information necessary for water users in Arizona to make a determination as to the impact of the interim surplus criteria. 1: See responses to Comment 53-16 and 14-11 for discussions of depletion schedules and Arizona shortages.
- 2 | 2. The report fails to address the unresolved issue of the relative priority among fourth priority users in Arizona. Again, a key factor necessary for those holders of fourth priority rights in Arizona to make a determination as to the impact of the interim surplus criteria. 2: See responses to Comment 53-16 and 14-11 for discussions of depletion schedules and Arizona shortages.
- 3 | 3. The EIS does not address the impact on existing contractors for fifth and sixth priority water. The Decree provides that Arizona is entitled to 46% of the water available in the surplus year. Either we are or are not in a surplus condition and, if we are, then those holders of surplus contracts, up to 46% in Arizona, are entitled to take such water on the basis provided in the Decree. 3: See responses to Comment 53-16 and 14-11 for discussions of depletion schedules and Arizona shortages.
- 4 | 4. The EIS fails to address the fact that Arizona's apportioned but "unused" water may only be available because the Arizona Water Bank, pursuant to these interim guidelines and agreements with other states would, to the detriment of Arizona water users, agree to forebear taking water that would otherwise be banked in favor of CAP and other fourth priority users. 4: As stated in Chapter 2 of the FEIS, the Secretary will continue to apportion water consistent with the applicable provisions of the Decree. The Secretary will also honor forbearance arrangements made by various parties for the delivery of surplus water or reparations for future shortages.
- 5 | 5. The report fails to address in any detail the reasoning behind Arizona going to 2.3 in years of shortage versus California taking its full priority. A related issue is the provision that a consequence of not complying with the cut back in usage to 4.4 million a/f (although the numbers would appear to be 4.8 million a/f) MWD shall be reduced to a maximum of 200,000 a/f per year even though they may have diverted millions of acre feet. 5: As described in Section 3.3.3.4, the magnitude of the shortage to CAP was strictly a modeling assumption. The Colorado River Basin Project Act provided California with a 4.4 maf priority over CAP diversions.